
In Re Proceedings for Commitment

As a Sexually Dangerous Person or

ORDER

Sexual Psychopathic Personality

WHEREAS, the District Courts are responsible for appointing Examiners in proceedings to commit persons alleged to be a Sexually Dangerous Person (SDP) or Sexual Psychopathic Personality (SPP); and

WHEREAS, the District Courts have paid the fees of Examiners for their evaluation of the proposed patient, preparation of their report, and testimony in court; and

WHEREAS, costs and fees incurred in these commitment proceedings have been substantially greater than the sums budgeted for said fees; and

WHEREAS, the Judicial Council has adopted policies to contain costs for these commitment proceedings,

NOW THEREFORE, IT IS HEREBY ORDERED:

1. When an Examiner is appointed in SDP or SPP cases, the Petitioner's attorney shall provide the Examiner with a chronologically ordered set of medical reports and other materials required for the Examiner's review.
2. The District Court shall not ordinarily be responsible for payment of the Examiner's fees to attend the trial of a SDP or SPP trial beyond the day(s) required for the Examiner's actual testimony. If either party desires the Examiner's presence at trial for days or time periods when he or she is not scheduled to testify, the costs for that attendance shall be the responsibility of the party requesting the Examiner's presence. In extraordinary circumstances a party may request the court to incur the cost for additional attendance at trial, but the request will only be granted for good cause. The judge authorizing any additional attendance shall document to the chief judge of the district the amount of costs incurred and the court's findings in support of incurring these costs. Nothing herein is intended to forbid Examiners from attending the entire hearing in a SPP or SDP proceeding. The intent is to allocate the costs of attendance among the parties and the court

Dated this 2nd day of July, 2008.



Michael L. Kirk, Chief Judge
Seventh Judicial District